

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Lori STAUFFER (D1)

and

Mark NEEL (D2)

Defendants.

Magistrate Case No. **07 MJ2653**

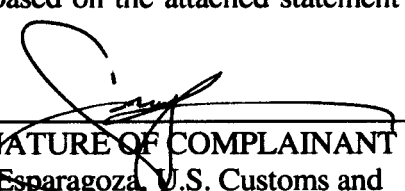
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation

The undersigned complainant being duly sworn states:

On or about **November 12, 2007**, within the Southern District of California, defendants **Lori STAUFFER (D1)** and **Mark NEEL (D2)**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely **Modesto MORALES-Castillo**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, U.S. Customs and
Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **14TH** DAY OF
NOVEMBER, 2007.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Modesto MORALES-Castillo** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material, that it is impracticable to secure his attendance at the trial thereof by subpoena; and he is a material witness in relation to this criminal charge and should be held or admitted to bail as prescribed in Title 18, United States Code, Section 3144.

On 11/12/007 at about 2301 hours **Lori STAUFFER (D1)**, applied for entry into the United States from Mexico through the San Ysidro Port of Entry as the driver of a black 1987 Mercedes Benz. Accompanying D1 was **Mark NEEL (D2)**, who was the front passenger in the vehicle. D1 presented a State of California driver license not lawfully issued to her as proof of identity. The Customs and Border Protection (CBP) Officer obtained a negative Customs declaration from D1. The CBP Officer subsequently conducted a cursory inspection of the vehicle. The CBP Officer was unable to open the trunk of the vehicle, proceeded to inspect the rear seat of the vehicle and discovered a person concealed behind the rear seat area. The CBP Officer called for assistance and D1, D2, and the vehicle were subsequently escorted to secondary.

In secondary, a CBP Enforcement Officer removed the rear seat cushion and discovered a red metal container, which was later determined to be the alternate fuel source. The CBP Enforcement Officer noticed a pair of human legs after the seat cushion was completely removed. The backrest cushion of the rear seat was removed and a Hispanic male was discovered concealed in a non-factory gas tank compartment. The Hispanic male was identified as **Modesto MORALES-Castillo**, a citizen of Mexico without entitlements to enter or reside in the United States. **Modesto MORALES-Castillo** is now identified as the Material Witness (MW) in the case.

During a videotaped proceeding, D1 was advised of her Miranda Rights. D1 acknowledged her rights and elected to answer questions without an attorney present. D1 admitted an unknown man and woman offered her an opportunity to make money if she agreed to drive a vehicle across the border. D1 admitted knowledge of one alien concealed in the vehicle. D1 stated she did not know how much she was to be paid or where she was to deliver the vehicle. D1 stated she was instructed to follow a brown van across the border and it would guide her to the delivery location.

During a videotaped proceeding, D2 was advised of his Miranda Rights. D2 acknowledged his rights and elected to answer questions without an attorney present. D2 admitted an unknown man provided him with an opportunity to make money for smuggling. D2 admitted knowledge that a male alien was concealed in the vehicle. D2 stated he did not know how much he was to be paid or where the vehicle was to be delivered.

During a videotaped interview, MW admitted he is a citizen of Mexico without entitlements to enter or reside in the United States. MW stated he was to pay \$5000.00 (USD) to be smuggled into the United States. MW stated he was going to Bellingham, Washington to reunite with his family. MW stated a tall white male with a goatee and a white female were present when he was being concealed in the compartment.